IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR NO. 2724 of 2006
Date of decision. February 5,2007

Sukhmander Singh .....Petitioner

Versus

Jang Singh and others. .....Respondents

CORAM **HON'BLE MR. JUSTICE VINEY MITTAL**

PRESENT Mr. ,Harkesh Manuja Advocate
for the petitioner.
Mr. I. S. Brar, Advocate
for respondent.

VINEY MITTAL , J(Oral)

Plaintiff is the petitioner before this Court.

He filed a suit for declaration and for permanent injunction. Along-with the suit, the plaintiff filed an application for issuance of ad-interim injunction for restraining the defendants from interfering into his possession of the suit property measuring 14 kanals 9 marlas.

Learned trial Judge allowed the prayer made by the respondent and restrained the defendant from interfering in his possession over the suit land.

The matter was taken up in appeal. The learned first Appellate Court held that plaintiff had no prima facie case and as such set aside the order passed by the trial Court. Reliance placed by the plaintiff on the order dated December 13, 2005 passed by the Revenue Court was also not accepted by the learned Appellate Court.

Notice of motion was issued by this Court on May 22, 2006. Both the parties were directed to maintain status quo.

After hearing leaned counsel for the parties and also taking into consideration the fact that the order of maintaining status quo

passed by this court has remained operative for almost a period of eight months , I find it appropriate to direct the parties to maintain status quo regarding possession till the proceedings are finally decided by the trial court.

Consequently, the present petition is disposed of and the parties are directed to maintain status quo regarding possession during the pendency of the proceedings before the trial Court.

It is further directed that plaintiff shall lead his entire evidence at his own risk and responsibility and without the assistance of the Court. For the aforesaid purpose plaintiff shall be granted only two effective opportunities by the trial Court. On conclusion of the evidence by the plaintiff, two sets of defendants shall also be granted two effective opportunities each. The aforesaid defendants shall also lead their evidence at their own responsibility and without the assistance of the Court. On conclusion of the evidence led by the parties, learned trial Court shall dispose of the suit in accordance with law.

A copy of the order be given dasti on usual charges.

February 5, 2007 **(VINEY MITTAL)**
mamta **JUDGE**